

Paul-Kenneth: Cromar, ID #567164
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Sui Juris [pro se]

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA, Plaintiff, vs. PAUL KENNETH CROMAR, Defendant <i>in error</i>	Case No. 2:23-cr-00159-HCN-DBP DEFENDANT'S 2 nd MOTION FOR REVOCATION OF DETENTION ORDER; (40 CFR § 78.14) District Judge Howard C. Nielson, Jr. Magistrate Judge Dustin B. Pead
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Comes now, ©Paul Kenneth Cromar™,¹ "Ken Cromar" of the House of Cromar, defendant *in error*, *Sui Juris* [pro se] *in propria persona*, who hereby respectfully submits to this court his **Defendant's 2nd Motion for Revocation of Detention Order.**

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¹ A red-blooded, living, breathing American Sovereign, anointed to become a king and priest, son and heir of the most high God. See Docket #265 "AFFIDAVIT and Notice of Equity Claim by Paul Kenneth Cromar" and accompanying exhibits including but not limited to "Fourth Judicial Notice, Fifth Judicial Notice, and Seventh Judicial Notice," AND Footnotes #1-4, 7-8, from Defendant's Motion to Dismiss (Docket #70) and also, as of yet un rebutted Defendant's AFFIDAVIT (Docket #71) for jurisdiction and definition of terms. Note: An un rebutted affidavit stands as fact. I elected to proceed only under Constitutional Common Law (see Docket #25) and have only participated under extreme duress and protest while in captivity. See Romans 8:14-17.

INTRODUCTION

Mr. Cromar has been held in detention since August 30, 2023 and was denied his detention release by Magistrate Dustin Pead September 13, 2023 because prosecutors Peer (no longer on this case) and Havekost convinced the judge that Mr. Cromar was a danger to society and a flight risk.

QUESTIONS TO BE ADDRESSED

- A. If there is any evidence to suggest that Mr. Cromar would be a danger to society?
- B. If Mr. Cromar would be a flight risk if he was released pending this court's decision for the five motions for judicial acquittal and one motion for new trial and or any other future hearings?
- C. If Mr. Cromar's release would interfere with his State sentence?²

MEMORANDUM OF POINTS AND AUTHORITY

18 U.S.C. § 3142(f)(2). A hearing may be reopened before or after the court's ruling on a detention motion, at any time before trial if the judicial officer makes a factual finding that information exists that was not previously known at the time of the hearing and that the information is material on the issue of whether there are conditions of release that will reasonably assure the appearance of the defendant and the safety of any other person and the community.

- 1. Mr. Cromar feels safe to assume that the same rules regarding pre-trial detention release also applies to his pre-sentence detention release.
- 2. Mr. Cromar recognizes that this court holds the power within its discretion to grant or deny this second motion for revocation of his detention order regardless of whether or not he meets the "proper" legal authority to support a second detention hearing.

² See Utah v Paul Kenneth Cromar, case 201402860. Mr. Cromar was sentenced to one year incarceration beginning August 30, 2023. His incarceration from the State sentence is complete as of August 23, 2024.

3. Mr. Cromar also recognizes that even if he does show new evidence that was not before mentioned in his previous detention hearing that this court has the discretion to deny Mr. Cromar his motion based on the belief that Mr. Cromar should not be released.
4. Mr. Cromar also recognizes that the definition of what qualifies Mr. Cromar's motion for a second hearing weighs solely on this court, regardless of what new evidence Mr. Cromar may bring to this court.
5. Therefore, Mr. Cromar submits the following before this court in what he believes is his "factual finding" or in other words "information... that was not previously known at the time of the hearing".

A. The Danger to Society Question

6. There is no factual evidence, testimony, or declaration or report from any IRS official or employee, or report from any law enforcement officer or anyone else that Mr. Cromar used weapons or threats of physical violence in any way, shape or form.
7. During the first detention hearing there was not a single first hand witness that testified claiming that Mr. Cromar was a danger to society.
8. The Government Prosecutors have not been able to show any evidence at all that Mr. Cromar would be a danger to society if given his pre-sentence detention release.
9. Furthermore, Government Prosecutors will fail if they attempt to search for evidence that Mr. Cromar has ever shown any indication that he has ever been a danger to anyone, nor will they be able to find anyone to testify under oath that Mr. Cromar showed any indication of him being a danger to anyone.

B. The Flight Risk Question

10. There is no evidence to support that Mr. Cromar would be a flight risk. He has attended every hearing on all his cases, - never missing or being late to even one.
11. On one particular time, the State Court wanted to give Mr. Cromar an ankle bracelet but because of his impeccable history for his appearances and keeping his word to the court on various items, they chose not to.
12. Since then Mr. Cromar continued to show honor and respect to the court by appearing to all of his court hearings.

13. To Mr. Cromar's surprise, the State put a warrant out for Mr. Cromar's arrest because they claimed he did not show up for an appointment with AP&P, an appointment that Mr. Cromar would have shown up for if he had known about it. Mr. Cromar had always attended every hearing and appointment, never missing even one.
14. Because of this, Mr. Cromar began the process of finding ways to address these errors made by the court or by AP&P in order to resolve this warrant right up until the time he was interrupted by the arrest of federal officers regarding this federal case.
15. The prosecution never proved anything to the contrary. Nevertheless, unfortunately the prosecutors succeeded without any evidence during their unfortunate but successful effort toward Mr. Cromar's detention.
16. It raises the question: should not this court follow suit of the State Court actions? Has Mr. Cromar shown any indication that he needs to be held in detention for fear that he will not show up for any future hearings from this court?
17. Mr. Cromar has been involved in more than sixteen court cases since 2017 and it raises the next question: "Would his history of showing up for all of the court hearings indicate what kind of honorable and honest character he has?" and "Would it not give this court a strong indication of his future behavior if this court were to give him the same freedom as he was given from all the rest of the past federal and state court cases?" Also, "Is there any reason to believe why Mr. Cromar should be detained other than the apparent blind hatred and contempt that the prosecutors have toward him?"
18. Additionally, this honorable court can be flexible to create a way for Mr. Cromar to have his pre-sentence release and designed in a way to create the confidence of this court -- and do so, all in the interest and pursuit of justice.

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Declaration of Paul Kenneth Cromar

I, Paul Kenneth Cromar, declare that I have never missed a hearing date and time from any of my cases. I also promise that I will appear to any future hearings of this case, and that if this court were to subject me to an ankle monitor I will abide by the rules set forth by this court.

©
by Paul Kenneth Cromar TM
Paul Kenneth Cromar

Sept 9, 2024
Dated

C. The State Sentence Question

19. If there is any concern within this court that Mr. Cromar's State sentence of the 364 incarceration may impede or interfere with the business of this court regarding Mr. Cromar, then allow the records of the Utah State case show that the 364 day incarceration sentence by his Utah State case 201402860 has been completed.

CONCLUSION AND PRAYER

It is the request of Mr. Cromar that he be given his pre-sentence release and moves this court to do so immediately in the interest of justice.

Presented in honor in the year of our Lord and in His name this the 9th day of September, 2024.

©
by Paul Kenneth Cromar TM

Paul Kenneth Cromar

As per docket #25 of September 27, 2023
"I elect to proceed under Constitutional Common Law."

VERIFICATION

STATE OF UTAH

DAVIS COUNTY

My name is Paul-Kenneth: Cromar. I have read "DEFENDANT'S 2nd MOTION FOR REVOCATION OF DETENTION ORDER" and know from my personal knowledge the things stated therein.

The facts stated in it are within my personal knowledge and are true and correct; as to those things stated on information and belief, including legal citations contained thereon, and as to those citations I believe them to be correct also.

Dated this 9th day of September 2024.

Respectfully submitted,

A handwritten signature in cursive script, reading "Paul-Kenneth Cromar", written over a horizontal line.

Paul Kenneth Cromar, Sui Juris, [Pro Se]

STATE OF UTAH DAVIS COUNTY

NOTARY JURAT

The foregoing instrument was acknowledged before me this 9th day of September, 2024

By Laurel Stubbs. Notary: My commission expires 11/30/2026

State of UT County of Davis
Subscribed and sworn to (or affirmed) before me on this
9 day of September, 2024 by
Paul Cramer proved to me on the basis
of satisfactory evidence to be the person(s) who appeared before me.
Notary Signature Laurel Stubbs




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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2024, I personally placed in the United States Mail to the individuals named below a true and correct copy of **DEFENDANT'S 2nd MOTION FOR REVOCATION OF DETENTION ORDER**

TRINA A. HIGGINS
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MEREDITH M. HAVEKOST
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Salt Lake City, Utah 84111


Raland Brunson